

INDER VS STATE OF HARYANA AND OTHERS

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. Advocate General, Haryana.

This is petition filed for grant of parole to the petitioner who has been convicted in case FIR No.689 dated 02.08.2016 under Sections 323, 342, 364-A, 384, 386 and 506 IPC read with Section 25 of Arms Act and he is undergoing sentence of life imprisonment in Hissar Jail in Haryana.

He had challenged his conviction in Criminal Appeal No.CRA-D-893-DB-2017 and the same is pending before this Court for adjudication.

The petitioner contends that he moved an application on 28.11.2021 before respondent No.4 seeking parole on the ground that his niece is getting married on 09.12.2021, but no orders were passed thereon till date.

The petitioner alleges that his presence in the said marriage is necessary and for his release on parole, there is no objection from the local residents, and there is no likelihood of any disturbance to peace. Reliance is placed on the material available on the file and the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. It is also contended that the petitioner had maintained good conduct in jail and there is no impediment to release the petitioner on parole to attend his niece (sister's daughter) marriage.

Mr. Sharan Sethi, Addl. Advocate General, Haryana has placed on record letter dated 07.12.2021 addressed by respondent No.4 to the office of Advocate General, Haryana stating that petitioner is involved in three other cases and he is not released on parole in one of such cases (FIR No.522 dated 23.12.2014 registered at Police Station City Narnaul, District Mahendergarh). The Jail Superintendent specifically states that he

has verified from the S.H.O, Police Station, H.T.M. Hissar, that the marriage of the niece of the petitioner is to be solemnized on 09.12.2021. However, it is stated that there is likelihood of an untoward incident in case the petitioner is granted parole and is allowed to attend the marriage of his niece.

Learned counsel for the petitioner has placed on record order dt. 03.12.2021 passed by this Court in ***"Inder Kumar Vs. State of Haryana, CRM-M-26284-2020"*** granting bail to the petitioner with regard to FIR No.522 dated 23.12.2014 registered at Police Station City Narnaul, District Mahendergarh (in which case respondent No.4 had mentioned in his letter dated 07.12.2021 that the petitioner did not get bail).

We have noted the contentions of both sides.

Since, the petitioner has now secured bail in FIR No.522 dated 23.12.2014 registered at Police Station City Narnaul, District Mahendergarh also, and since the factum of marriage of the sister's daughter of the petitioner on 09.12.2021 is undisputed, we deem it appropriate to grant parole to petitioner for a period of 02 weeks' from today subject to the petitioner not doing any acts which would jeopardise the law and order in the area, where the marriage is being conducted. Bail bonds/surety bonds be furnished to the satisfaction of the concerned CJM.

(M.S. RAMACHANDRA RAO)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

07.12.2021
JITESH